

In subsection (b) of this section, the terms "alleged violator" and "alleged violation" are added in recognition of subsection (a) (2) of this section, which provides that an assurance or agreement does not constitute an admission of guilt.

For the provisions which relate to cease and desist orders generally see §13-403.

13-403. CEASE AND DESIST ORDER.

(A) HEARING.

(1) THE DIVISION MAY HOLD A PUBLIC HEARING TO DETERMINE IF A VIOLATION OF THIS TITLE HAS OCCURRED.

(2) THE DIVISION SHALL SERVE:

(i) A STATEMENT OF CHARGES ON THE ALLEGED VIOLATOR; AND

(ii) A NOTICE OF THE TIME AND PLACE OF HEARING ON EACH PARTY OF RECORD.

(3) THE DIVISION SHALL HOLD THE HEARING NOT LESS THAN TEN DAYS AFTER SERVICE OF THE STATEMENT OF CHARGES. EACH PARTY OF RECORD MAY APPEAR BEFORE THE DIVISION IN PERSON OR, AT HIS OPTION, BY HIS AUTHORIZED REPRESENTATIVE AND MAY HAVE THE ASSISTANCE OF AN ATTORNEY. THE PARTIES MAY PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES. ALL TESTIMONY SHALL BE GIVEN UNDER OATH AND MAY BE REQUIRED BY THE ISSUANCE OF A SUBPOENA SIGNED BY THE DIVISION. IRRELEVANT, UNDULY REPETITIOUS, OR PROTRACTED EVIDENCE MAY NOT BE ADMITTED. HEARINGS MAY BE LIMITED BY THE DIVISION IF THE DIVISION SO NOTIFIES EACH PARTY BEFORE THE HEARING.

(4) THE DIVISION SHALL KEEP A FULL RECORD OF THE HEARING. THE RECORD SHALL BE OPEN TO INSPECTION BY ANY PERSON. ON REQUEST OF AN INTERESTED PARTY TO THE PROCEEDING, THE DIVISION SHALL FURNISH THE PARTY A COPY OF THE HEARING RECORD AT A COST WHICH THE DIVISION CONSIDERS APPROPRIATE.

(B) FINDINGS AND ORDER.

(1) IF, AT THE CONCLUSION OF THE HEARING, THE DIVISION DETERMINES ON THE PREPONDERANCE OF EVIDENCE THAT THE ALLEGED VIOLATOR VIOLATED THIS TITLE, THE DIVISION SHALL STATE ITS FINDINGS AND ISSUE AN ORDER REQUIRING THE VIOLATOR TO CEASE AND DESIST FROM THE VIOLATION AND TO TAKE AFFIRMATIVE ACTION, INCLUDING THE RESTITUTION OF MONEY OR PROPERTY. THE ORDER SHALL CONTAIN A NOTICE